

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

ZENO HOLDINGS, LLC	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 2:16-cv-676
v.	)	
	)	<b>JURY TRIAL DEMANDED</b>
FUTURESIMPLE INC.	)	
	)	
Defendant.	)	
_____	)	

**COMPLAINT**

For its Complaint, Plaintiff Zeno Holdings, LLC ("Zeno Holdings"), by and through the undersigned counsel, alleges as follows:

**THE PARTIES**

1. Zeno Holdings is a Texas limited liability company with a place of business located at 1400 Preston Road, Suite 400, Plano, Texas 75093.
2. Defendant FutureSimple Inc. is a Delaware company with, upon information and belief, a place of business located at 850 Shoreline Boulevard, Mountain View, California 94043.

**JURISDICTION AND VENUE**

3. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*
4. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.
5. Upon information and belief, Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses

of conduct and/or deriving substantial revenue from goods and services provided to individuals in this district.

6. Venue is proper in this district pursuant to §§ 1391(b), (c) and 1400(b).

### **THE PATENT-IN-SUIT**

7. On April 9, 2013, U.S. Patent No. 8,417,233 (the "'233 patent"), entitled "Automated Notation Techniques Implemented Via Mobile Devices and/or Computer Networks," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '233 patent is attached hereto as Exhibit A.

8. Zeno Holdings is the assignee and owner of the right, title and interest in and to the '233 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of it.

### **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,417,233**

9. Zeno Holdings repeats and realleges the allegations of paragraphs 1 through 8 as if fully set forth herein.

10. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant is liable for infringement of at least claims 1 and 2 of the '233 patent by making, using, importing, offering for sale, and/or methods systems and methods for operating a mobile communication device associated with a user, including, but not limited to, Base CRM's mobile app.

11. More specifically and upon information and belief, Defendant's Base CRM mobile app includes a method for operating a mobile communication device associated with a first user, the mobile communication device including a display. *See* <https://getbase.com/features/mobile-crm/> (last accessed June 22, 2016); The Essential Guide to

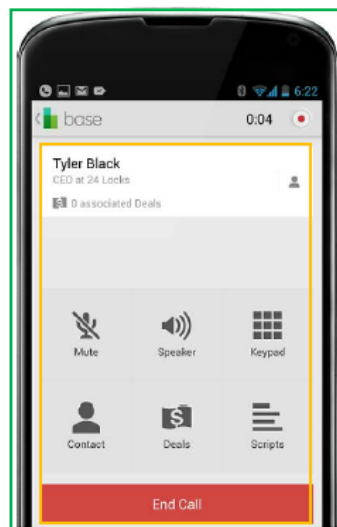
(Customizing and Integrating) Base CRM ("Essential Guide") at pp. 13-14 (available at [http://cdn2.hubspot.net/hub/172139/file-2132566162-](http://cdn2.hubspot.net/hub/172139/file-2132566162-pdf/offers/BaseCRM_Guide_Integration.pdf?t=1417013127533)

[pdf/offers/BaseCRM\\_Guide\\_Integration.pdf?t=1417013127533](http://cdn2.hubspot.net/hub/172139/file-2132566162-pdf/offers/BaseCRM_Guide_Integration.pdf?t=1417013127533) (last accessed June 22, 2016).

Base CRM mobile app can be installed on Android phones. *See* Base CRM Guide ("CRM Guide") at p. 30 (available at <http://downloads.getbase.com/base-crm-reading-material/base-guide.pdf> (last accessed June 22, 2016)). Base CRM mobile app detects, at the mobile communication device, an occurrence of a first communication event relating to a first communication activity at the mobile communication device.

### Track outcomes and listen to calls

After the call is complete, add a call outcome, enter additional notes, or listen to the recording to see if there was anything you missed – no need to log on to the web app. Base Voice is a must have **mobile crm** sales tool for anyone who wants to seamlessly track their sales, but hates being confined to their office.



### CALL LOGGING

Automatically log incoming and outgoing calls.

Base CRM mobile app B determines whether the Call Logging feature is enabled by the user ("threshold criteria"). If the threshold criteria is met (i.e. if the Call Logging feature is enabled), the user is automatically prompted to initiate the call log ("recommended feature").

## Getting Started

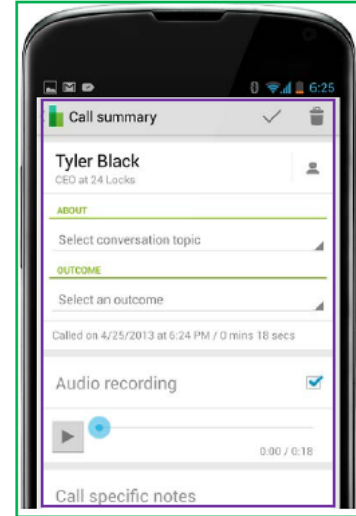
First make sure you have the [latest version of the Base Android App \(version 1.1\)](#). [Once you download the app Call Logging will automatically be enabled.](#)

[You can change the position of the overlay or turn call logging off in the Settings.](#)

[After you finish the conversation, Base will ask you if you would like to add a note or task to the contact card and the call will be logged to the contact's activity.](#) This is a great way to stay up to date with all of your contacts.

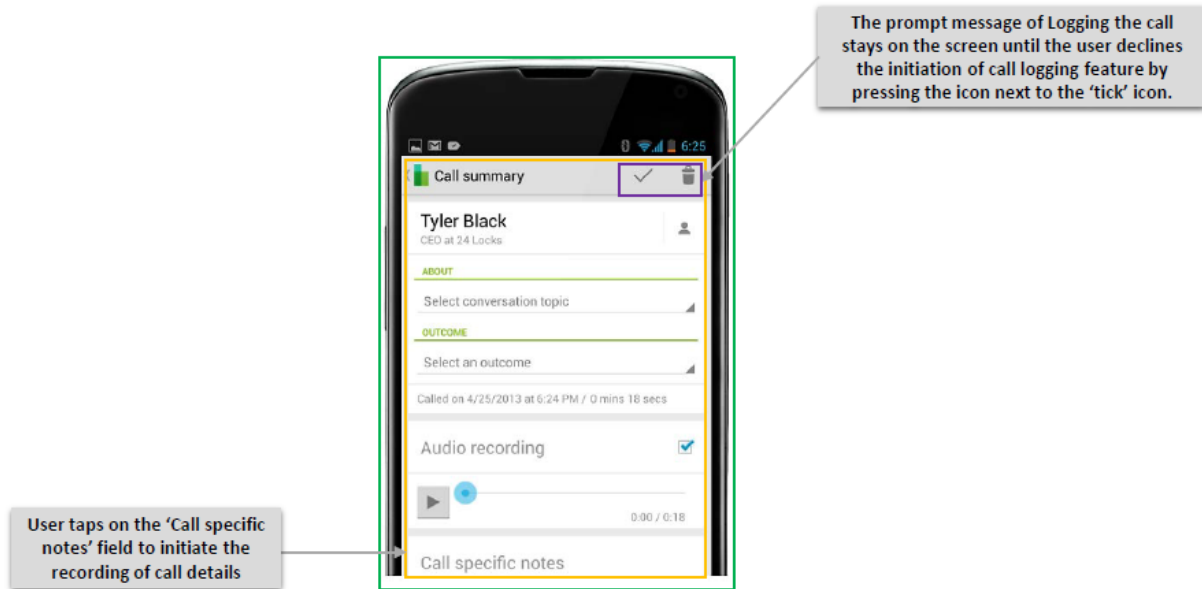
## THE BASE ADVANTAGE

Whether you're using iOS or Android, Base mobile apps are there for you—for free. All of your data seamlessly syncs to each device and to the web app, providing you with a holistic CRM experience. [Log phone calls automatically and be automatically prompted to create notes or tasks to move forward in your next steps.](#) Access all of your data, whenever you need it. It's the full-featured mobile CRM you need for a modern sales force.



Base CRM mobile app waits, at the mobile communication device, a first predetermined time interval to receive input from the user authorizing initiation of the first recommended procedure at the mobile communication device and automatically initiates the first recommended procedure at the mobile communication device in response to receiving input from the user authorizing initiation of the first recommended procedure.

After you finish the conversation, Base will ask you if you would like to add a note or task to the contact card and the call will be logged to the contact's activity. This is a great way to stay up to date with all of your contacts.

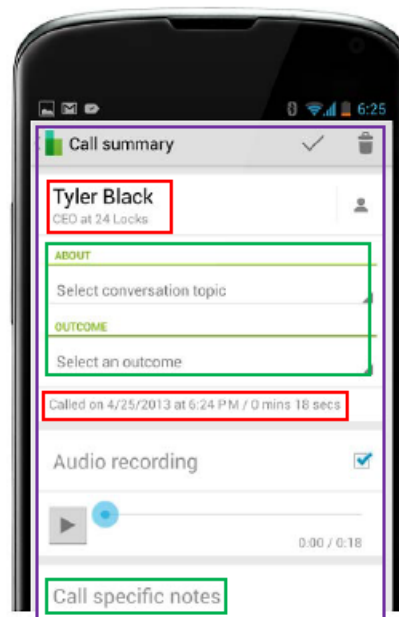


Base CRM mobile app generates, in response to initiating the first recommended procedure, a first portion of digital content, accesses information which includes details relating to the detected first communication event, and creates a first electronic data file which associates the first portion of digital content with at least a portion of the details relating to the detected first communication event.

After you finish the conversation, Base will ask you if you would like to add a note or task to the contact card and the call will be logged to the contact's activity. This is a great way to stay up to date with all of your contacts.

## Track outcomes and listen to calls

After the call is complete, add a call outcome, enter additional notes, or listen to the recording to see if there was anything you missed – no need to log on to the web app. Base Voice is a must have **mobile crm** sales tool for anyone who wants to seamlessly track their sales, but hates being confined to their office.



The snapshot of the "Call Summary" interface above indicates creation of an "electronic data file" that comprises the call specific notes, call outcome, etc., along with the details of the call such as the date and time of the call. The Call Summary along with user-inputted notes is saved within Base CRM. It is further available for future references.

After you finish the conversation, Base will ask you if you would like to add a note or task to the contact card and the call will be logged to the contact's activity. This is a great way to stay up to date with all of your contacts.

## Your Dashboard

Your dashboard is the first screen you see when you sign in to your Base account. It's meant to give you a quick snapshot of all important activity going on in your account. If you're an admin, you will have the ability to filter the dashboard news feed by user.

### Pipeline Summary

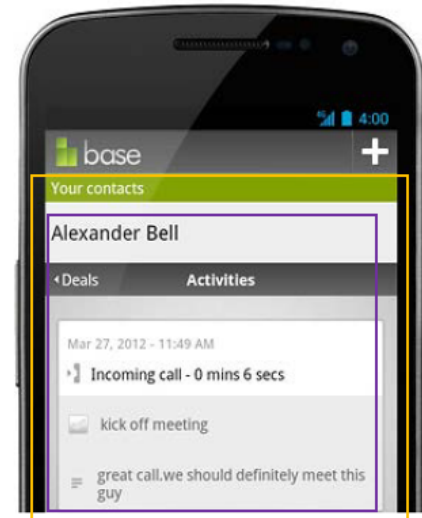
The left column is your pipeline summary which give you the total value of your Deals, how many Deals you have in your pipeline, your closed Deals divided into categories, and team Deal load.

### Activity Feed

The center column is a feed of all the activity taking place in your account. It can be filtered by Notes, Completed Tasks, and Deals. When a you or a team member adds a new Deal, Lead, Contact, Note, or Task, it will show up in this feed.

### List of Tasks and Deals

The right column shows your list of tasks with due dates. You can also see a list of the tops Deals in your account.



### The Smart Way To Call

Built-in dialers are a great tool but auto-dialers that automatically log your calls are even better. With Base, each of your outgoing and incoming calls are automatically logged so that you can reference them anytime.

12. Zeno Holdings is entitled to recover from Defendant the damages sustained by Zeno Holdings as a result of Defendant's infringement of the '233 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

### **JURY DEMAND**

Zeno Holdings hereby demands a trial by jury on all issues so triable.

### **PRAYER FOR RELIEF**

WHEREFORE, Zeno Holdings requests that this Court enter judgment against Defendant as follows:

A. An adjudication that Defendant has infringed the '233 patent;

B. An award of damages to be paid by Defendant adequate to compensate Zeno Holdings for Defendant's past infringement of the '233 patent and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Zeno Holdings' reasonable attorneys' fees; and

D. An award to Zeno Holdings of such further relief at law or in equity as the Court deems just and proper.

Dated: June 22, 2016

/s/ Richard C. Weinblatt

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